



**UNITED STATES DEPARTMENT OF COMMERCE**  
**National Oceanic and Atmospheric Administration**  
NATIONAL MARINE FISHERIES SERVICE

Southeast Regional Office  
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NOV 19 2003 F/SER3:EH

Mr. Dennis Barnett  
Environmental Team Leader  
Planning and Policy Branch  
South Atlantic Division  
U.S. Army Corps of Engineers  
60 Forsyth Street S.W.  
Atlanta, GA 30303-8801

Dear Mr. Barnett:

Enclosed is the regional biological opinion (RBO) that concludes formal Endangered Species Act section 7 consultation on hopper dredging of channels and sand mining areas in the Gulf of Mexico. The RBO concludes that continued hopper dredging activity in navigation channels and sand mining areas in the Gulf of Mexico is likely to adversely affect, but not jeopardize, the continued existence of listed sea turtle species and Gulf sturgeon under NOAA Fisheries' purview.

The RBO supersedes a previous RBO issued on September 22, 1995. The terms and conditions of the reasonable and prudent measures issued in the Incidental Take Statement (ITS) of the 1995 RBO included a requirement to use the rigid deflector draghead on all hopper dredges in all Gulf of Mexico channels in areas of documented take or in areas and seasons of known concentrations of sea turtles; seasonal restrictions which allowed hopper dredging from December through March in channels in the Galveston and New Orleans districts, or use of other dredges in all U.S. Gulf of Mexico channels year-round; and a requirement for onboard endangered species observers to monitor hopper dredge spoils for endangered species parts.

The present RBO analyzes the previously considered activities, and has been expanded to consider hopper dredging of navigation channels and sand mining sites (for beach nourishment activities) in Gulf of Mexico by the Galveston, New Orleans, Mobile, and Jacksonville districts. The RBO also considers potential hopper dredging impacts on Gulf sturgeon and Gulf sturgeon critical habitat, not previously analyzed in the 1995 RBO.

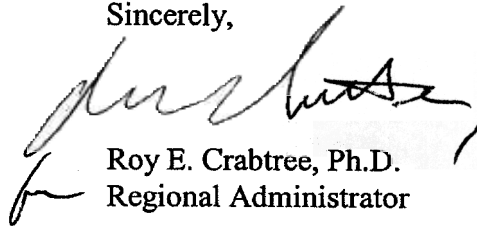
The ITS, reasonable and prudent measures, terms and conditions, and conservation recommendations listed in the enclosed opinion have been extensively discussed with COE staff. Of note, a sea turtle relocation trawling requirement has been added where previously it was a conservation recommendation; the hopper dredging window is unchanged from the 1995 RBO and has been extended throughout the Gulf of Mexico; the sea turtle deflecting draghead is



required in all Gulf of Mexico hopper dredging activities; onboard observers are required for channel dredging and beach nourishment activities involving hopper dredges; observers aboard dredges and relocation trawlers are required to take tissue samples of captured turtles and submit them to NOAA Fisheries for genetic analyses; and the combined COE districts are required to contribute toward the costs of the genetic analyses. The four COE districts which conduct hopper dredging and/or sand mining (for beach nourishment) activities in the U.S. Gulf of Mexico are each authorized separate incidental take statements.

A complete administrative record of this consultation is on file at the NOAA Fisheries' Southeast Regional Office (F/SER/2000/01287). We look forward to further cooperation with you on other COE projects to ensure the conservation and recovery of our threatened and endangered marine species.

Sincerely,

A handwritten signature in black ink, appearing to read "Roy E. Crabtree", is written over a light gray rectangular background. The signature is fluid and cursive.

Roy E. Crabtree, Ph.D.  
Regional Administrator

Enclosure

cc: F/PR

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